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TO RUEHC/SECSTATE WASHDC 5178
INFO RUEHZK/ECOWAS COLLECTIVE
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UNCLAS NIAMEY 000507

DEPT FOR AF/W, AF/RSA, DRL/AE, AND AF/PDPA LISENBY
PLS PASS TO USAID FOR AFR/W
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SUBJECT: Private TV, Radio Station Dounia Back on the Air

Ref: a) Niamey 00483, b) 08 Niamey 00809, c) Niamey 00484

11. Summary: Private radio and TV operator Dounia went back on the air on July 3 following a legal reversal of the CSC's (High Council for Communication) suspension order of June 29. The Supreme Court also ruled on June 17 that the CSC's decision to suspend Dounia in August 2008 was unwarranted, and ordered the Government to compensate Dounia for lost revenue. Following Dounia's suspension on June 29, a coalition of major independent media organizations issued a clear statement of support for Dounia and denounced the CSC. The decisions of the justice branch and the declaration by the independent media coalition demonstrate recognition of the importance of a free media. End summary.

The Courts Overturn the CSC's Suspension

12. The private Radio and TV Group Dounia resumed broadcasting on July 3 at 18:00 local time following a legal review by the Palace of Justice. The judge overturned suspension order number 0005 (ref A) issued by the CSC Chair and authorized the immediate resumption of broadcasting. The Court ruled that the CSC's suspension order was without legal merit, and that Dounia was unfairly singled out since the statements Dounia was suspended for also aired on several other media outlets. Daouda Diallo, Chair of the CSC, has 15 days to appeal the Court's decision. Dounia continued its reporting of opposition events, including covering the July 5 rally against President Tandja's referendum.

13. This is the second recent court decision in Dounia's favor in its ongoing feud with the CSC. On June 17, the Supreme Court ruled that the CSC overstepped its legal authority in suspending the Dounia Group for one month in Fall 2008 (ref B). The Court annulled this decision (No. 006/P/CSC) and ordered the Government of Niger to compensate Dounia for revenue lost due to the suspension.

Dounia TV Receives Backing of Independent Media Coalition

14. A coalition comprising nearly every major independent media organization, the Organization of Social Professionals in the Media Sector, released a strongly worded written statement in support of Dounia on June 30. The statement criticized the CSC Chair for acting without the consent of a majority of the CSC board in suspending Dounia, and condemned him for his contempt of private media organizations.

Comment

15. The Court's decisions and the statement from the independent media organization demonstrate recognition of the importance of a free and fair media in Niger. Given the measures taken by President Tandja since granting himself authority to rule by decree (ref C), these actions come with considerable risk of detention or termination. Efforts to defend the independence of the media, are encouraging, though it remains unclear whether Dounia's persistence

may bolster others to take a stand to preserve press freedoms in Niger's nascent democracy. End comment.

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